IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3199 of 2021

1.Manoj Kumar
2.Muthu Kumar ... Petitioners

Vs.

State Rep. by its
Inspector of Police,
Team XIV, Cyber Crime Cell,
Central Crime Branch - 1,
Chennai.
Crime No.6 of 2021 ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.6 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/S GANESH KUMAR Advocate
FOR M/S.S.Shrenik Raj

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 01.01.2020 for the offence punishable under Sections 465, 467, 468, 471 & 420 of IPC in Crime No.6 of 2021, seeks bail.

2. Totally there are 4 accused and the petitioners are A1 and A2. The case of the prosecution is that earlier, based on a complaint given regarding collection of exorbitant interest and cheating, a crime No.101 of 2020, has been registered by the Inspector of Police, Chit and Kandhuvatti Team, CCB, Chennai and during investigation , it was found that some Chinese Nationals, through some of the Indian citizens using Mobile Apps, advanced loan and thereafter, they have collected exorbitant interest from the customers. When, the customers defaulted the payments, they started to threatening them and abused the customers. Thereafter, investigation was transferred to respondent police. When the respondent police investigating the crime, it was found that these petitioners, who were running a company in the name of Azacus techno Solutions Pvt Ltd, have purchased 200 sim cards from Vodafone company, by producing forged employees list and handed over the same to one Ria Gupta hailing from Madhya Pradesh , in turn, she handed over the same to the main

accused, who are involved in the other crime, i.e., Crime No.101 of 2020 using the said sim cards, the accused demanded exorbitant interest and also threatened the customers. Hence, the present crime has been registered against this petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the offence, the only allegation against the petitioners is that they have produced 200 sim cards from the Vodafone company and handed over the same to one Ria Gupta, which was used by the accused, in Crime No.101 of 2020, This petitioners are running a mobile app business, and the above mentioned lady has approached the petitioners and requested them to purchase sim cards alleging that she need sim card for their mobile business, innocently, the petitioners have purchased sim cards and handed over the same to her, and they are not aware that these sim cards were used in the crime. He would further submits that A3 and A4 were arrested and released on bail. Hence, prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is a very large crime, in which 100 of peoples have been cheated by some Chinese nationals with the help of Indian Citizens, and under the guise of advancing loan, they collected exorbitant interest and thereby,cheated the people and also criminally intimidated them. These petitioners only purchased the sim cards used by them. Now, investigation is still pending. Hence, she opposed to grant bail to the petitioners.

5. I have considered the submissions made on either side and also perused the materials available on records carefully.

6. Admittedly, the only allegation against the petitioners is that they have purchased the sim cards believing the words of one Ria Gupta and handed over the same to her, in turn, she handed over the same to accused in CCB Crl.No.101 of 2020 . There is no material available to show that the petitioners have also involved in the above lsaid crime and advanced loan or collected exorbitant interest.

7. Taking into consideration of the facts and circumstance of the case, and the fact that co-accused in this case have already been released on bail and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Metropolitan Magistrate, Special Judge for CCB and CBCID Cases, Chennai and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
SPECIAL JUDGE FOR CCB AND CBCID CASES,
CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
TEAM XIV, CYBER CRIME CELL,
CENTRAL CRIME BRANCH-1, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S.S.SHRENIK RAJ Advocate on payment of necessary charges Sr.2183

CRL OP.3199/2021

Date :24/02/2021

RVR 25/02/2021